

## **REMARKS/ARGUMENTS**

Claim 1-46 are pending.

### **Rejections under 35 USC § 112**

Claims 13 and 15-17 have been rejected under 35 USC § 112, second paragraph on the basis that the language “polymeric reactant material” is ambiguous. The term “polymeric reactant” has been replaced by the term “polymerization reactant” to clarify that the reactant is a component of a polymerization reaction.

Claim 22 has been rejected under 35 USC § 112, first paragraph, for lack of clear support. The term “panel” has been replaced by the broader term “reinforcement structure”. Support for the amendment is found in original claims 23-25.

The term “or” in claim 22 has been replaced by “and” to clarify that the reinforcement structure is between both the first and second layers.

Claims 18-22 are rejected under 35 USC § 112, second paragraph, for failing to provide weight percents. Claim 18 has been amended to clarify that the weight percents are relative to the weight of the polymeric resin and the polymeric foam. Support for the amendment is found on page 10, lines 8-23.

Claims 37 –46 have been rejected under 35 USC § 112, first paragraph. The Examiner considered the phrase “porous geotextile fabric” as unclear. The term “porous” has been deleted from claims 37 and 41 as being redundant. The term “geotextile fabric” is well-known in the art as there are over 150 patents that use “geotextile” in their claims, as shown by a list of patents from the USPTO web site, attached hereto as Exhibit A.

### **Rejections under 35 USC §§ 102 and 103**

The rejections of claims 1-3, 5, 8, 10-12 and 14 under § 102(b) as anticipated by Kotschwar ‘575 are respectfully traversed. Independent claims 1 and 14 have been amended to include the step of heating the reaction components from about 160°F to 250°F prior to adding fibrous material. Support for the amendment is found on page 11, lines 21-22. Kotschwar only

discloses heating the reaction components to a temperature between 140°F to 160°F (column 9, line 65-66), which is below the temperature range of the present invention. Consequently, Kotschwar does not anticipate claims 1 and 14. Moreover, claim 1 and claim 14 are not obvious in light of Kotschwar. Kotschwar does not teach or suggest heating reaction components from about 160°F to 250°F prior to adding fibrous material. As claims 2-12 depend from claim 1, these claims are neither anticipated nor made obvious by Kotschwar.

With regard to claim 4, Kotschwar does not teach or suggest pre-wetting of fibers. Rather, Kotschwar teaches that wetting can be manipulated by varying the amounts and types of reaction components (column 3, lines 1-7). To establish obviousness, the prior art must teach or suggest all claim limitations. MPEP 2143.03. Because Kotschwar does not teach or suggest pre-wetting of fibers, claim 4 is not obvious.

In conclusion, claims 1 –12 and 14 are neither anticipated nor made obvious by Kotschwar. Accordingly, the rejections of these claims under §§ 102(b) and 103(a) should be withdrawn.

The rejection of claim 13 under § 103(a) as obvious in view of Kotschwar is respectfully traversed. Claim 13 involves combining two solutions, each solution containing reinforcing fibers. Kotschwar teaches that a filler material can be added as the polyol and isocyanate components are combined, or to the polyol component before combining (column 7, lines 57-61). However, Kotschwar does not teach adding filler material to the isocyanate component alone, or to both the isocyanate and polyol components, prior to combining. Because the prior art must teach or suggest all claim limitations, and Kotschwar does not teach or suggest the combination of two solutions containing filler material, claim 13 is not obvious.

The rejection of claims 18 – 22 under § 103(a) as obvious in view of Kotschwar is respectfully traversed. Claim 18 involves a reinforced structure which has a first and second layer of polyurethane resin and a third layer of polyurethane foam sandwiched between the first and second layer. All layers contain fibrous material. In contrast, Kotschwar teaches away from using a sandwiched polyurethane foam layer containing a fibrous material. In column 9, lines 21-27, Kotschwar first states that “fiber reinforcement may or may not be used in the foamed material.” Kotschwar then states, “Rather, a lightweight laminated material can be produced by

sandwiching the expanded material between two layers of fiber-reinforced material.” Use of the contrary word “rather” indicates a choice between two different materials - either a foam material that may or may not contain fiber reinforcement, or a laminated material having two layers of fiber-reinforced material sandwiching a layer of foam (or expanded) material. Unlike the two layers of fiber-reinforced material, the foam layer is not fiber-reinforced. Thus, according to Kotschwar, when using layers as opposed to foam material alone, a foam layer does not contain reinforcing material. Because Kotschwar specifically excludes a foam layer containing fibrous material, this reference teaches away from the claimed invention. A reference that teaches away from a claimed invention does not support a finding of obviousness. MPEP 2141.02. Consequently, claim 18 is not obvious.

Further, in teaching away from a foam layer containing fibrous material, Kotschwar does not teach or suggest this limitation of claim 18. Because the prior art must teach or suggest all claim limitations, claim 18 is not obvious.

In conclusion, claims 18-22 are not obvious in view of Kotschwar. Accordingly, the rejections of these claims under § 103 should be withdrawn.

Similarly, the rejections of claims 23 – 33 under § 103(a) are respectfully traversed. Kotschwar teaches away from a foam layer containing fibrous material. In contrast, claims 23-33 involve methods of coating a reinforcement structure in which a layer of polymeric resin is placed over a layer of polymeric foam containing fibrous material. Because Kotschwar does not teach or suggest a foam layer containing fibrous material, and teaches away from such a layer, claims 23-33 are not obvious. Thus, the rejection of these claims should be withdrawn.

Claim 34 has been amended to refer to “an aramid fiber or a mixture of aramid fiber and at least one of polyethylene, carbon or ceramic fiber”. As the examiner points out, Kotschwar does not teach or suggest aramid fibers as reinforcing material. Moreover, Cotts only teaches wetting aramid fibers in volatile organic solvents, not solvent-free polyurethane as called for in claim 34. Thus, Cotts teaches away from the present invention. Accordingly, claims 34 and 36 are neither anticipated nor made obvious by Kotschwar and Cotts. In addition, claim 35 has been canceled, rendering the rejection of this claim moot.

In view of the forgoing amendments and remarks, Applicants submit that the claims are in condition for allowance. A timely Notice of Allowance is therefore respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Robert Berliner', with a long horizontal flourish extending to the right.

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PAT. NO.	Title
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|----|---------------------------|---|
| 1  | <a href="#">6,659,688</a> | <a href="#">T Organic slurry basin storage cover and method of fabricating and deploying cover</a>  |
| 2  | <a href="#">6,648,549</a> | <a href="#">T Modular drainage channels</a>   |
| 3  | <a href="#">6,632,875</a> | <a href="#">T Polyurethane-forming composition with adjustable mix viscosity, geotextile composites prepared therefrom and a process for producing such composites</a>      |
| 4  | <a href="#">6,626,312</a> | <a href="#">T Storage bag</a>   |
| 5  | <a href="#">6,623,214</a> | <a href="#">T Modification of geotextile tubes</a>  |
| 6  | <a href="#">6,619,879</a> | <a href="#">T Method and device for the waterproofing of joints and cracks in hydraulic works, concrete and masonry structures</a>  |
| 7  | <a href="#">6,612,779</a> | <a href="#">T Embankment dam and waterproofing method</a>   |
| 8  | <a href="#">6,602,407</a> | <a href="#">T Oriented structure for treating a fluid</a>   |
| 9  | <a href="#">6,599,058</a> | <a href="#">T Landfill leachate collection apparatus</a>  |
| 10 | <a href="#">6,582,297</a> | <a href="#">T Livestock facility ventilation exhaust air dust removal system</a>  |
| 11 | <a href="#">6,581,682</a> | <a href="#">T Expandable borehole packer</a>  |
| 12 | <a href="#">6,558,081</a> | <a href="#">T Composite particles and methods for their application and implementation</a>  |
| 13 | <a href="#">6,539,684</a> | <a href="#">T Concrete block for elevating and retaining surfaces</a>   |
| 14 | <a href="#">6,517,709</a> | <a href="#">T Catch basin erosion containment filter assembly</a>   |
| 15 | <a href="#">6,517,279</a> | <a href="#">T Traffic divider for calibrating the deceleration of vehicles upon impact</a>  |
| 16 | <a href="#">6,514,410</a> | <a href="#">T Odor control apparatus for facultative lagoon</a>   |
| 17 | <a href="#">6,505,999</a> | <a href="#">T Retaining wall structure for soil stabilization including double layer of geogrid web material to provide high strength connection with backfill material</a> |
| 18 | <a href="#">6,505,996</a> | <a href="#">T Drainage system with unitary void-maintaining geosynthetic structure and method for constructing system</a>   |
| 19 | <a href="#">6,494,009</a> | <a href="#">T Green concrete retaining wall and method for constructing the same</a>  |
| 20 | <a href="#">6,490,837</a> | <a href="#">T Retaining wall system</a>   |

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